

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-CR-20066-KMM(s)

UNITED STATES OF AMERICA

v.

ERICA BONTEMPO MESQUITA COSTA,

Defendant.



FACTUAL PROFFER

The United States of America, the Defendant, Erica Bontempo Mesquita Costa (“Defendant”), and the Defendant’s undersigned counsel (collectively, the “Parties”), stipulate to and agree not to contest the following facts and stipulate that such facts, in accordance with Rule 1 l(b)(3) of the Federal Rules of Criminal Procedure, provide a sufficient factual basis for the plea of guilty to Count 1 of the Superseding Information, which charges the Defendant with Improper Entry by an Alien, in violation of Title 8, United States Code, Section 1325(a)(1). The Parties agree that had this case proceeded to trial, the United States would have proven the following facts, among others, beyond a reasonable doubt:

The Defendant is a citizen of Brazil, with no legal status in the United States. On or about January 17, 2025, law enforcement officers stopped a U-Haul van and Toyota Corolla discovering a total of twenty-five (25) undocumented aliens being transported within Miami-Dade County, in the Southern District of Florida. The Defendant—a Brazilian citizen and non-resident of the United States—was one of the passengers in the Toyota Corolla.

Law enforcement took the Defendant’s biometrics and entered it into the Next Generation Identification System and the Automated Biometric Identification System, which revealed the

Defendant had no legal documents allowing her to enter the United States. Law enforcement then read the Defendant her *Miranda* rights, which she waived. In a post-*Miranda* interview, the Defendant admitted that she had not obtained a visa or any documentation permitting her to enter the United States. In addition, no immigration officer, as defined in Title 8, United States Code, Sections 1101(a)(18), designated a time or place for the Defendant to enter the United States.

The information contained in this proffer is not a complete recitation of the facts and circumstances of this case, but the Parties agree it is sufficient to prove beyond a reasonable doubt a violation of Title 8, United States Code, Section 1325(a)(1), as set forth in the Superseding Information.

HAYDEN P. O'BYRNE
UNITED STATES ATTORNEY

Date: 04/17/25

By: 

ANDRES E. CHINCHILLA
ASSISTANT UNITED STATES ATTORNEY

Date: 4/17/25

By: 

DAVID DONET
COUNSEL FOR DEFENDANT

Date: 17/04/25

By: 

ERICA BONTEMPO MESQUITA COSTA
DEFENDANT